

Road called *Leathley Bar*, in the Township of *Leathley* in the Parish of *Leathley*, thence to pass through Lands in the several Parishes, Townships, Hamlets, or Places of *Leathley*, *Castley*, *Newby*, *Huby*, *Weeton*, *Harewood*, and *Rigton*, and along the present Highway called *Rigton Lane* in the Township of *Rigton* and the Township of *Kirkby Overblow*, and to terminate on the South Side of a certain Turnpike Gate called *Buttersyke Bar*, upon the *Leeds* and *Harrogate* Turnpike Road, in the Township of *Kirkby Overblow* in the Parish of *Kirkby Overblow*, all in the said West Riding: And whereas it is also expedient that the said recited Act should be repealed, and further and more effectual Powers and Provisions granted, as well for maintaining, repairing, amending, and otherwise improving the said present Roads, as also for making and maintaining the new Road herein-before described: And whereas the beneficial Objects herein-before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and after the Second *Tuesday* next after the passing of this Act the said recited Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third shall be and the same is hereby declared to be repealed.

Recited Act
repealed

Defining
Purposes of
this Act.

II. And be it further enacted, That this Act shall be put into execution, for and during the Term herein-after mentioned, for the Purpose of improving, maintaining, and repairing the Roads herein-after mentioned; (that is to say,) the Road from *Dudley Hill* through *Beckwithshaw* to *Killinghall*, and from *Beckwithshaw* to the South-west Corner of *Harrogate* Inclosures; and the Road from and out of the last-mentioned Turnpike Road at or near to a certain Place called the *Old Turnpike House*, in *Eccleshill* in the Parish of *Bradford*, into a certain Street or Place called *Barker End*, in *Bradford* afore-said; and the existing Diversion of the said Turnpike Road from or near to a certain Place called *Old Bramhope*, in the Township of *Bramhope*, to or near the old Turnpike House in *Pool*; and also for the Purpose of making and maintaining the said new Road from *Leathley Bar* to *Rigton Lane*, and for improving and maintaining the said Lane called *Rigton Lane* to its Termination at the South Side of *Buttersyke Bar* upon the *Leeds* and *Harrogate* Turnpike Road; and the several Roads herein-before mentioned, and by this Act placed under the Control of the Trustees for executing this Act, shall hereafter be called "The *Dudley Hill*, *Killinghall*, and *Harrogate* Turnpike Roads."

Appointment
of Trustees.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *William Ackroyd*, *John Bainbridge*, *Richard Barwick*, *John Marshall Barwick*, *William Bentley of Pannal*, *Thomas Bentley of Pannal*, *Greenwood Bentley*, *James Brook*, Captain *Richard Burton*, *Francis Billams*, *Thomas Greenwood Clayton*, *William Crosby*, *William Crosby* the younger, *John Peele Clapham*, *Joshua Samuel Crompton*, *Robert Edward Crompton*, *Thomas William Car-*
ruthers,

*ruthers, Christopher Holdsworth Dawson, Robert Menzies, William Hartley Deighton, James Dickinson of Pannal, Ephraim Elsworth, Christopher Edmondson, Francis Hawksworth Fawkes, Ayscough Hammersley Fawkes Clerk, William Fairbank, Thomas George Fitzgerald, James Greenwood, William Gill, Thomas Gill the younger, Joseph Gill, John Hartley, John Hustler, John Hustler the younger, John Mildred Hustler, Joshua Hardisty, Charles Harris, Henry Harris, Alfred Harris, Henry Wickham Hird, John Hardy, Lamplugh Wickham Hird Clerk, Lamplugh Wickham Hird, Joseph Hollings, Thomas Hollings, Timothy Horsfall, Samuel Hailstone, John Hailstone the younger, Clerk, Samuel Hailstone the younger, Edward Hailstone, Anthony Ibbotson Clerk, the Honourable Arthur Lascelles, Ellis Cunliffe Lister, Henry Leah, George Leather, John Marshall, Robert Milligan, Michael Nicholson, John Outhwaite M.D., John Pullein, John Green Paley, William Pearson, Joshua Pollard, William Pollard, George Pollard, Samuel Redhead Clerk, Benjamin Rawson, James Armitage Rhodes, William Rookes, Crompton Stansfield, Walter Scott Stanhope, Charles Jackson Skelton, Francis Simes, William Sheepshanks, Edward John Teale, Matthew Thompson, Benjamin Thompson, Matthew William Thompson, William Turley, John Womersley, William Womersley, Matthias Whitehead, John White, William White, Joshua Wright, William Wright, John Whitley, Jonas Whittaker, John Whittaker, Charles James Walker of Otley, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby declared to be Trustees for carrying this Act into execution.*

IV. And be it further enacted, That it shall be lawful for the said Trustees, at any of their respective Meetings to be holden in pursuance of this Act, to elect any Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Persons so elected, and being duly qualified, shall have the same Powers and Authorities for executing this Act as if they had been herein expressly named.

Power to appoint additional Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the Inn known by the Name of the *Stansfield Arms* at *Apperley Bridge*, or at such other convenient House near to the Roads comprised in this Act as the said Trustees shall think proper, on the Second *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and such Places as the said Trustees, or the Majority of them present at such respective Meetings, shall think proper and appoint.

First Meeting of Trustees.

VI. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer, and from every Person who shall be appointed to collect or receive or who shall have the Custody or Control of any Money belonging to the said Trustees, for the due Execution of his Office, before he shall enter thereupon.

Treasurer and Collector to give Security.

VII. And

New Road
may be made.

VII. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the new Road herein-before described of such Width as they shall think proper, not exceeding Fifty Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Embankments, Ditches, Drains, and Fences, and other Works on the Line of the said Road as they shall think necessary, and for such Purposes (subject nevertheless to the several Provisions and Restrictions in this Act and in the various Acts for regulating Turnpike Roads in *England* contained) to take or use any Lands, making or tendering Satisfaction to the Owners thereof and other Persons interested therein for the same, or for the Damage which they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands upon, in, over, or through which such Road and the several Works connected therewith herein-before mentioned, or any of them, are intended to be made or to pass, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think expedient, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon such Lands for any of the Purposes of this Act.

The Map or
Plan depo-
sited at the
Office of the
Clerk of the
Peace, to re-
main there
for Inspec-
tion,

VIII. And whereas a Map or Plan describing the Line of the said new Road and the Lands upon, in, through, or over which such new Road is intended to be made or carried, together with a Book of Reference thereto, containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the said West Riding; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said Riding, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take or have Copies thereof or Extracts therefrom, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and elsewhere.

and may be
made Evi-
dence.

Authenti-
cated Plan of
altered Line
to be de-
posited with
the Clerk of
the Peace.

IX. And whereas since the depositing of the said Map or Plan and Book of Reference as herein-before mentioned an Alteration of the Line of the said new Road, as laid down upon such Map or Plan, hath been agreed upon and determined with the Concurrence of the Owners and Occupiers of the Lands through which such Alteration is to be made; be it therefore enacted, That a Map or Plan describing the said Branch of Road, as the same has been agreed to be altered, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, together with a Copy of an amended Book of Reference of such Alteration, shall, within Three Calendar Months from the passing of this Act, be deposited with the Clerk of the Peace for the said West Riding of the County of *York*, to the end that all Persons may at all seasonable Times have Liberty to

inspect such Map or Plan and Book of Reference, and to take Copies thereof or Extracts therefrom, paying the Sum of One Shilling for every Inspection and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and elsewhere.

X. And be it further enacted, That the said Trustees, in making the said new Road, shall have full Power and Authority to deviate from the Line delineated upon the Map or Plan so deposited or required to be deposited with the said Clerk of the Peace as hereinbefore mentioned: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Map or Plan without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands any such Deviation beyond the said Distance of One hundred Yards shall be proposed to be made: Provided also, that no such Deviation as aforesaid shall be made from the present Line of the said Road called *Rigton Lane* without the Consent in Writing of the Party or Parties through whose Lands any such Deviations shall be proposed to be made.

Trustees empowered to deviate from Plan to an Extent not exceeding 100 Yards.

XI. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said new Road shall not authorize the said Trustees to take or pull down or to use or injure any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively (except such as are mentioned in the Schedule to this Act annexed), without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

Trustees restrained from pulling down Houses, &c., not mentioned in the Schedule, without Consent.

XII. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Road and other Works in the Line or Course, and upon, in, through, across, or over the Lands delineated upon the said Map or Plan, although such Line or Course, or such Lands or any of them, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule thereto, or in the said Map or Plan, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said West Riding, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference or Schedule.

XIII. Provided also, and be it further enacted, That in case the said Trustees shall not, within the Space of Three Years from the

Limiting Time for purchasing Property.

[Local.]

26 M

Com-

Commencement of this Act, agree for and cause to be valued and paid for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as relates to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively; any thing in this Act or in any such Act as aforesaid contained to the contrary thereof notwithstanding.

Entrance to
Fields, &c.
to be made
with hard
Materials.

XIV. And be it further enacted, That in all Cases in which any Entrance shall be made by any Owner or Occupier of Lands from any of the said Roads to any such Lands, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expence of the Owner or Occupier of such Land, so that such Roads may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Owner or Occupier shall neglect to cover with proper Materials such Entrance, by to make such Culvert or Drain, or to keep the same respectively in proper Order for the Space of Ten Days after Notice in Writing (stating this Provision) given to such Owner or Occupier, or left at his usual or last known Place of Abode, by the Surveyor to the said Trustees, requiring such Owner or Occupier so to make or repair the same, then it shall be lawful for the said Trustees or for their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively (as the Case may be), and the Expences thereof shall be paid to the said Trustees by such Owner or Occupier (as the Case may be); and in case of Nonpayment of such Expences within Seven Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of some Justice of the Peace for the West Riding of the County of *York*, which Warrant of Distress such Justice is hereby empowered and required to grant, on Proof made before him on Oath of such Expences having been incurred, and of such Notice having been given as aforesaid; and the Overplus (if any) shall be returned, on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold.

Owners, &c.
to repair
Fences, or in
default the
Surveyor to
repair, and
recover the
Expence by
Warrant of
Distress.

XV. And be it further enacted, That the Owners or Occupiers of the Lands next adjoining to the existing Roads hereby directed to be continued shall keep and maintain in a good and sufficient State of Repair their Fences adjacent thereto; and that the Owners or Occupiers of the Lands next adjoining to the new Road hereby authorized to be made shall in like Manner keep and maintain their Fences adjacent thereto in a good and sufficient State of Repair from and after the Expiration of the Term of Five Years from the Time at which such Fences shall have been made or set up; and that if any such Owner or Occupier shall make default in the Premises, and shall not, within Ten Days after Notice (stating this Provision) given by

the Surveyor of the said Roads for that Purpose, put such Fences into a good and sufficient State of Repair, it shall be lawful for the said Surveyor with Workmen to enter upon the said Lands and to repair the same; and thereupon it shall and may be lawful for Two of Her Majesty's Justices of the Peace for the said West Riding of the County of *York*, and they are hereby required, to ascertain the reasonable Expences thereof, and to direct the same to be paid to the said Surveyor by such Owner or Occupier respectively; and if any such Owner or Occupier shall neglect or refuse to pay the Sum directed by the said Justices to be paid by him, the same shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Occupier so neglecting or refusing, by a Warrant under the Hands and Seals of any Two or more Justices of the Peace for the said West Riding; any thing in the Acts for regulating Turnpike Roads in *England* to the contrary notwithstanding.

XVI. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses, and Weighing Machines now erected upon the said Roads or any of them, or upon the Sides thereof, and also to erect and build others in lieu thereof or in addition thereto upon the said Roads, or upon the new Road, or upon any Part or Parts thereof respectively, or upon the Sides thereof respectively, when and where and as they shall judge necessary, and also from Time to Time to alter or take down and re-erect or re-construct, or to discontinue and remove the same or any of them, as they the said Trustees shall from Time to Time think proper.

Power to continue and erect Toll Gates.

XVII. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any of the said Roads unless some Toll Gate or Toll Bar shall be erected or continued upon such Road or on the Sides thereof, nor unless the said Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any of the said Roads than shall be collected at the Toll Gates or Toll Bars erected thereon, or than shall be borrowed upon the Credit of the same.

No more Money to be laid out on any Road than is collected thereon.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Act hereby repealed or to be raised by virtue of this Act, in repairing or amending any Part of the said Turnpike Roads in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any Local Act of Parliament, nor to collect any Toll thereon.

No Money to be laid out in repairing Streets.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, from and immediately after the Commencement of this Act, and before as well as after the Completion of the new Line of Road herein-before described, to demand, collect, levy, recover, and receive the Tolls herein-after mentioned upon the existing Lines of Road.

Trustees may receive Tolls on existing Lines of Road before Completion of new Line as well as afterwards.

XX. Pro-

New Road to be completed within Three Years from the passing of this Act.

XX. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to complete and open to the Public the whole of the said new Line of Road by this Act authorized to be made, and also to improve and complete in the Manner described upon the Plans and Sections herein-before mentioned the whole of the present Road called *Rigton Lane*, included in this Act, within Three Years from the passing of this Act; and if the said Trustees shall not within the Space of Three Years so complete the said new Road and so improve the said Road called *Rigton Lane* as herein-before mentioned, all the Powers and Authorities of this Act relating thereto shall become and be utterly null and void, any thing herein-before contained to the contrary notwithstanding; and the Certificate of any Two Justices of the Peace for the said West Riding, in Special Sessions assembled, shall be for all Purposes whatsoever sufficient. Evidence that the said Roads respectively have been so completed and improved as aforesaid.

Power to take Tolls.

XXI. And be it further enacted, That the Tolls to be taken by virtue of this Act upon the said Road shall not exceed the following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise-marine, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Four Inches and a Half at the Bottom or Sole thereof, the Sum of Sixpence:

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Sole thereof, the Sum of Four-pence:

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, the Sum of Three-pence:

For every Horse, Mule, or Ass (not drawing), laden or unladen, the Sum of Two-pence:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence, and so in proportion for any less Number:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence, and so in proportion for any less Number.

Fractional Part of a Halfpenny in Tolls.

XXII. And be it further enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be taken, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Limitation of Tolls.

XXIII. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken for or in respect of
of

of the same Horse, Beast, Cattle, or Carriage for passing and repassing any Number of Times in the Course of the same Day through all or any of the Toll Gates or Toll Bars upon the said Roads hereby authorized to be continued or made, which are or shall be situate upon the North Side of the River *Wharf*, nor more than Two full Tolls between the South Side of the Bridge across the River *Wharf* at *Pool* aforesaid and *Dudley Hill* aforesaid; nor more than One full Toll from the said old Turnpike House in *Eccleshill* aforesaid to the said Street or Place called *Barker End* in *Bradford* aforesaid, except as herein-after mentioned.

XXIV. Provided also, and be it further enacted, That the Tolls hereby granted shall be paid for or in respect of Horses or Beasts drawing any Stage Carriage, of whatever Description, carrying Passengers or Goods for Hire or Reward, for each Time of the passing and for each Time of the repassing of such Carriage along the said Roads or either of them: Provided nevertheless, that no further or additional Tolls shall be payable in respect of such Carriages by reason only of the Horses or Beasts drawing the same having been changed.

Stage
Coaches, &c.
to pay every
Time of
passing.

XXV. Provided also, and be it further enacted, That the Tolls hereby granted shall be paid for and in respect of Horses or Beasts let out to hire, whether for riding or for drawing Post Chaises or other Carriages, and passing along the said Roads or any or either of them, upon every Occasion of a distinct or new Hiring of such Horses or Beasts.

Post Chaises,
&c. to be
subject again
to Toll on
every new
hiring.

XXVI. And be it further enacted, That the Weight to be allowed to Carts or other such like Carriages drawn by only One Horse or other Beast upon the said Roads shall not exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive), One Ton and Fifteen Hundred Weight for each such Carriage and the Lading thereof; and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive), One Ton and Ten Hundred for each such Carriage and the Lading thereof.

Weight of
One-horse
Carts limited.

XXVII. And be it further enacted, That all Carts and other such like Carriages drawn by only One Horse or other Beast upon the said Roads shall and may be weighed at any Weighing Machine upon the said Roads, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts and other Carriages drawn by Two or more Horses shall be applicable to Carts or other such like Carriages passing on the said Roads drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof respectively.

One-horse
Carts may be
weighed.

XXVIII. And whereas great Injury may be done to the said Roads by the Lessees or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages liable to be charged in respect of Overweight; be it therefore enacted, That if any Lessee or Renter of

Penalty on
Lessees com-
pounding for
Overweight.

the Tolls by this Act granted, or any Deputy or Agent of such Lessee or Renter, shall make Composition by the Year or otherwise with any Person whomsoever for or in lieu of the Tolls of any Carriage of whatever Description liable to be weighed and charged for or in respect of the Overweight thereof, every such Lessee or Renter, Deputy or Agent, shall on Conviction thereof by Confession, or upon the Oath of any Witness, before any of Her Majesty's Justices of the Peace, forfeit and pay, in addition to the Costs and Charges attending the Conviction, a Sum not exceeding Five Pounds, and shall also forfeit his Contract, Lease, or Agreement for renting the Tolls, if the said Trustees shall think proper to order that the same shall be made void; and every such Composition shall be null and void; and One Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the said Trustees, to be applied to the Purposes of this Act.

Power to
Trustees to
vacate exist-
ing Leases of
Tolls.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held within Three Calendar Months next after the Commencement of this Act, or at any Adjournment thereof, to declare and order that all Demises, Leases, and Agreements for Leases of the Tolls granted by the said former Act hereby repealed, and of the several Toll Houses, Buildings, and Appurtenances thereto belonging, shall cease and be void from and after the Twenty-first Day next after the Day on which such Meeting shall be held; and from and after the Time mentioned in the said Declaration and Order all such Demises, Leases, and Agreements shall cease and be void to all Intents and Purposes, except as to the Right of the said Trustees (which in all Cases is hereby reserved) to receive and recover Payment of all Rent and Arrears of Rent, and of all other Sums due and to become due thereon; and the said Trustees shall and they are hereby required to make a fair and just Compensation and Satisfaction to the respective Lessees of the said Tolls for any Loss or Damage which they shall sustain by the Determination of such Demises, Leases, and Agreements before the Expiration of the Time for which they were originally granted or made, such Compensation and Satisfaction to be paid at such Times and in such Proportions as shall be agreed upon between the said Trustees and such Lessees respectively: Provided always, that in case such Compensation or Satisfaction shall not be paid within Six Calendar Months next after the same shall have become due to any such Lessee, and have been demanded of the Clerk or Treasurer to such Trustees, or in case the said Trustees and any such Lessee shall not agree upon the Amount of such Compensation or Satisfaction, the same may be recovered by such Lessee in a summary Way by the Order and Adjudication of some Two Justices of the Peace for the said West Riding on Application to them for that Purpose made, or by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*: Provided also, that the said Trustees shall be at liberty to enter into any new or other Agreement with all or any of the present Lessees of the Tolls for such additional Rent in respect of the Tolls by this Act granted as they shall think reasonable and proper for the unexpired Term of the existing Demises, Leases, or Agreements.

XXX. And

XXX. And whereas by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, it is enacted, that Trustees and Commissioners of Turnpike Roads may sue and be sued in the Name or Names of any of such Trustees or Commissioners, or of their Clerk or Clerks for the Time being: And whereas Doubts have arisen whether such Trustees, Commissioners, or Clerks are competent to give Evidence in Actions or Suits in which they may be Plaintiffs or Defendants; be it therefore enacted, That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence in any Action or Suit, by reason of his being Plaintiff or Defendant in such Action or Suit.

Trustees, &c
declared
competent
Witnesses in
Actions.

3 G. 4. c.

XXXI. Provided always, and be it further enacted, That the Tolls by this Act granted shall be payable in respect of the passing of any Horse, Beast, Cattle, Carriage, or Person through any Toll Gate or Turnpike erected or to be erected on such Part and Parts of the Roads by this Act authorized to be repaired or made as now is or are or as shall from Time to Time be at any Time hereafter made and opened for the Use of the Public, although the whole of the Roads by this Act authorized to be made is not now or shall not be at any Time hereafter made and completed; and that all Persons who by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England* would be liable to the Repair of the said Roads when wholly made and completed shall be and are hereby declared to be liable to the Repair of so much thereof as is or are now made or open to the Public, and also to the Repair of such other Part and Parts of the Road comprised in this Act as shall from Time to Time be made or open to the Public, although the whole of the Roads by this Act authorized to be made is not now or shall not be at any Time hereafter made and completed.

Declaring
that the Tolls
may be col-
lected, and
that Liabili-
ties for re-
pairing Roads
shall be en-
forced, al-
though the
whole Road
be not com-
pleted.

XXXII. And be it further enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure, the Estate and Interest shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case such Lands shall be of any other Tenure, the Estate and Interest in such Lands shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall by means of such Purchase and Conveyance or Assurance, or any of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Freehold
and Inherit-
ance of Lands
to remain
and be vested
in the Per-
sons of whom
they are
purchased.

XXXIII. Pro-

The Right of Way to cease when Lands are not wanted

XXXIII. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act for the Purposes of the Roads comprised herein, or any of them, shall not be wanted for the same, then and in such case the Right of Way in, over, or upon the said Lands shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

Trustees to have the same Power of cutting and digging as if they had purchased the Fee Simple.

XXXIV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands taken by them for the Purposes of this Act, and also of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest of the said Lands.

Power to the Trustees to make Agreements with adjoining Trusts.

XXXV. Provided always, and be it further enacted, That it shall be lawful for the Trustees for the Time being for carrying this Act into execution to make any Agreements or Arrangements with the Trustees appointed under or by virtue of an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers of several Acts relating to the Road from the Town of Leeds through Harewood to the South-west Corner of the Inclosures of Harrogate in the West Riding of the County of York*, for the Purpose of exempting from or reducing or fixing the Tolls taken or to be taken by virtue of such last-mentioned Act or of this Act at any Toll Bar or Toll Bars now erected or to be erected upon the said Road or Roads included in such Act of the Fifty-ninth Year of the Reign of King *George* the Third, and adjoining the Roads hereby authorized to be continued or made, or upon the Roads hereby authorized to be continued or made, upon such Terms and Conditions as the said respective Trustees shall think just and right.

Agreements to be made at Meetings of Trustees after Notice.

XXXVI. Provided always, and be it enacted, That no such Agreement or Agreements shall be made and entered into but at a public Meeting of the said Trustees appointed under and by virtue of this Act of Parliament, of which One Month's Notice shall be given in the public Newspapers, and affixed upon all the Toll Bars erected or to be erected upon the said Turnpike Roads called the *Dudley Hill*, *Killinghall*, and *Harrogate* Roads, of the Time and Place of the Meeting, and that such an Agreement or Agreements is intended to be proposed to be made thereat.

To compel Payment of Subscriptions.

XXXVII. And be it further enacted, That the several and respective Persons who have subscribed or who shall hereafter subscribe for or agree to advance any Money for or towards the making or maintaining the said intended new Road shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such

such Time or Times, and in such Parts and Proportions, and to such Person or Persons, as shall be expressed in the Writing which has been or shall be subscribed by them or on their Behalf, or as the said Trustees shall by any Writing under their Hands order and direct; and in case any Person or Persons shall neglect or refuse to pay the same or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same, together with full Costs of Suit, in any of Her Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXXVIII. And be it further enacted, That out of the Monies already received by virtue of the said recited Act and now in the Treasurer's Hands, or out of the first Monies which shall arise or be received from the Tolls by this Act granted, or from Mortgages or otherwise by virtue of this Act, the said Trustees shall in the first place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Acts repealed by the said recited Act, or the said recited Act, or the Tolls thereby granted, or which may be advanced or borrowed on the Credit of this Act or the Tolls hereby granted, and in making, repairing, widening, varying, altering, turning, improving, and rendering commodious the Roads hereinbefore described, and in otherwise putting this Act into execution; and afterwards in repaying the Principal Monies advanced or borrowed on the Credit of the Acts repealed by the said recited Act, or the said recited Act, or the Tolls thereby granted, or which may be advanced or borrowed on the Credit of this Act or the Tolls hereby granted, and to and for no other Use or Purpose whatsoever; and the Creditors under the Acts repealed by the said recited Act, or the said recited Act, shall not have or claim any Preference or Priority, but the Principal Monies due and owing to them, and the Interest thereof, shall be paid *pari passu* with the Principal Monies to be borrowed on the Credit of this Act or the Tolls hereby granted, and the Interest thereof, and not otherwise.

Application
of the Tolls
and Money to
be borrowed.

XXXIX. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only, the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and the Word "Corporation" shall be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations, Civil or Ecclesiastical, Aggregate or Sole; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments as well as Lands; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Construction
of certain
Terms em-
ployed in
this Act.

Public Act.

XL. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Commence-
ment and
Continuance
of this Act.

XLI. And be it further enacted, That this Act shall commence upon the Second *Tuesday* next after the passing hereof, and shall continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

SCHEDULE referred to by this Act.

Description of Property.	Owners or reputed Owners.	Occupiers.
<i>Parish of Leathley.—Township of Leathley.</i>		
Toll House and Garden - -	The Trustees of the Dudley Hill and Killinghall Turnpike Road.	John Horner.
Orchard - - - -	Francis Hawksworth Fawkes, Esquire.	Jonathan Umpleby.
Ditto, and Dwelling House, Farm Yard, and Buildings, Garden, and Out Offices, Yard, and Cattle-sheds.	Same - - - -	John Tiplady,
Wood called Riffa Wood - -	Same - - - -	Himself.
<i>Same Parish, same Township, or the Township or Manor of Castley.</i>		
Yard and Cattle-sheds - -	The said Francis Hawksworth Fawkes, Esquire.	John Tiplady.
Wood called Riffa Wood - -	Same - - - -	Himself.
<i>Same Parish.—Township or Manor of Castley.</i>		
Plantation - - - -	Captain Richard Burton - -	Himself.
Yard and Two Cattle-sheds - -	The said Francis Hawksworth Fawkes, Esquire.	John Tiplady.
Wood called Riffa Wood - -	Same - - - -	Himself.
<i>Parish of Harewood.—Township of Weeton.</i>		
Plantation - - - -	Captain Richard Burton - -	Himself.
Shed and Yard - - - -	The Earl of Harewood - -	William Knapton.
Shed - - - -	Elizabeth Lupton - -	Herself.
<i>Parish of Kirkby Overblow.—Township of Rigton.</i>		
Shed, &c. - - - -	The Earl of Harewood - -	Isaac Thomas.
Shed and Yard - - - -	Mary Barrett and Stephen Barrett	Themselves.
Cottage, Garden, and Out Offices - -	The Earl of Harewood - -	Thomas Pullan.
Cottage, Garden, and Out Offices - -	John Mallorie - -	William Roundell.
Plantation - - - -	The Reverend Jacob Marsham, Incumbent of Kirkby Overblow. - -	Joseph Harper.
Ditto - - - -	Ditto - - - -	Ditto.
<i>Same Parish.—Township of Kirkby Overblow.</i>		
Plantation - - - -	The Earl of Harewood - -	Himself.

